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In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences

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In re Application of:	Ranjit N. Notani et al.
Serial No.:	09/156,334
Filing Date:	September 18, 1998
Examiner:	T. Dixon
Group Art Unit:	2161
Title:	*Method and System for Managing Collaboration Within And Between Enterprises*

BOX AF

Honorable Assistant Commissioner
for Patents

Board of Appeals and Interferences

Washington, D.C. 20231

I hereby certify that this correspondence is being deposited on August 12, 2002, with the United States Postal Service "Express Mail Post Office to Addressee" under 37 C.F.R. § 1.10 and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Willie Jiles

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Express Mail No. EL 953698169 US

Dear Sir:

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Appeal Brief

Appellants have appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed April 17, 2002, finally rejecting Claims 1-7, 10-12, 15-17, 20, and 48. Appellants filed a Notice of Appeal on June 10, 2002. Appellants respectfully submit this Appeal Brief, in triplicate, with the statutory fee of $320.00.

Real Party In Interest

This application is currently owned by i2 Technologies US, Inc., as indicated by:

an assignment recorded on October 30, 1998, in the Assignment Records of the United States Patent and Trademark Office at Reel 9579, Frames 0005-0010; and

an assignment recorded on July 30, 2001, in the Assignment Records of the United States Patent and Trademark Office at Reel 012037, Frames 0741-0752.

Related Appeals and Interferences

There are no known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision regarding this appeal.

Status of Claims

Claims 1-7, 10-12, 15-20, and 48 are pending in this application. Claims 1-7, 10-12, 15-17, 20, and 48 stand rejected pursuant to a final Office Action mailed April 17, 2002, and are all presented for appeal. Claims 18-19 stand objected to as being dependent on a rejected base claim, but are acknowledged by the Examiner to contain allowable subject matter. (Office Action, April 17, 2002, Page 8). All pending claims are shown in Appendix A.

Status of Amendments

All amendments submitted by Appellants were entered by the Examiner before the issuance of the final Office Action mailed April 17, 2002.

Summary of Invention

In particular embodiments of the present invention, a computer-implemented process may manage a workflow distributed among nodes of one or more enterprises (Page 36, Lines 18-22). The computer-implemented process may store a set of predefined functions that are to be performed at the nodes. (Page 36, Lines 22-25). In addition, the computer-implement process may interact with the workflow at the nodes to perform the predefined functions. (Page 36, Lines 25-27). In particular embodiments, the computer-implemented process may include a high-level collaboration generated by a global collaboration designer and a global collaboration manager and may be capable of managing a workflow across a number of nodes. (Page 36, Lines 29-34).

The predefined functions may include functions for generating, deploying, monitoring, or otherwise interacting with a workflow. (Page 37, Lines 1-3).

In particular embodiments, a computer-implemented process may generate a collaboration among a number of enterprises. The computer-implemented process may receive a preliminary collaboration (which may include a collaboration that other enterprises may comment on or modify) from a first enterprise and automatically (either immediately or in response to a particular event) transmit the received preliminary collaboration to a second enterprise. (Page 37, Lines 4-22). The computer-implemented process may then receive a response to the preliminary collaboration from the second enterprise. (Page 37, Lines 23-24). The response from the second enterprise may include one or more comments on the preliminary collaboration, one or more modifications to the preliminary collaboration, or another suitable response to the preliminary collaboration. (Page 37, Lines 24-27). Privileges granted to the second enterprise may determine what type of response is received from the second enterprise. (Page 37, Lines 29-30). After the computer-implemented process receives the response to the preliminary collaboration from the second enterprise, the computer-implemented process may automatically (either immediately or in response to a particular event) transmit the received response to the first enterprise. (Page 37, Lines 31-33). This process may continue, with any number of different enterprises reviewing and responding to the preliminary collaboration. (Page 10, Line 33, to Page 11, Line 4). These enterprises may be granted different privileges regarding the types of responses that may be provided, and thus different responses may be received from different enterprises. (Page 38, Lines 4-6). During this process, responses received from an enterprise may be transmitted to any number of different enterprises. (Page 10, Line 33, to Page 11, Line 4).

In particular embodiments, a computer-implemented process may deploy a collaboration generated by a first enterprise to a number of other enterprises. (Page 38, Lines 30-33). The first enterprise may generate the collaboration, and the computer-implemented process may transmit different predefined portions of the generated collaboration to different nodes of different enterprises. (Page 39, Lines 1-15). In particular embodiments, the enterprises may not execute their respective predefined portions of the deployed collaboration until all or a certain number

of enterprises approve the collaboration. (Page 39, Lines 16-18). In such embodiments, the computer-implemented process may request and receive approvals from the enterprises. (Page 39, Lines 19-20).

In particular embodiments, a computer-implemented process may monitor a collaboration across a number of different enterprises. (Page 39, Lines 25-27). The computer-implemented process may automatically query different nodes for data associated with execution of the collaboration at the different nodes, receive the queried data from the different nodes, and automatically transmit the received data to a monitoring system. (Page 39, Line 28, to Page 40, Line 16). An agent or other mechanism may perform a query, and the mechanism may operate at the queried node to reduce the use of network resources. (Page 39, Lines 30-34). The computer-implemented process may transmit data received in response to one or more queries to the monitoring system periodically or in response to the occurrence of a predefined event. (Page 40, Lines 3-4). These embodiments may allow execution of a collaboration to be monitored across a number of different enterprises, to be tracked at a hub or central location, or to be individually monitored by the enterprises. (Page 40, Lines 13-16).

Statement of Issues

1. Does U.S. Patent No. 5,630,069 to Flores et al. (*"Flores")* anticipate Claims 1-7, 20, and 48 under 35 U.S.C. § 102(b)?

2. Does *Flores*, in combination with *The Integrated Supply Chain Management System* by Fox et al. ("*Fox*"), render Claims 10-12 and 15-17 obvious under 35 U.S.C. § 103(a).

Grouping of Claims

Appellants have made an effort to group claims to reduce the burden on the Board. However, Appellants have concluded that none of Claims 1-4, 10, 15-17, and 20 stands or falls together with any other claim. In the argument section of this brief, Appellants present arguments why each of these claims is separately patentable from other claims subject to the same rejection.

Appellants have concluded that the following claims may be grouped together:

1. Group 1 may include Claims 5 and 48;
2. Group 2 may include Claims 6 and 7; and
3. Group 3 may include Claims 11 and 12.

Argument

The rejection of Claims 1-7, 20, and 48 under 35 U.S.C. § 102(b) as being anticipated by *Flores* is improper and should be withdrawn. The rejection of Claims 10-12 and 15-17 under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox* is also improper and should be withdrawn.

I. Claims 1-7, 20, and 48 are Allowable Over *Flores*

A. Overview

Claims 1-7, 20, and 48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. A copy of *Flores* is provided in Appendix B. Appellants respectfully submit that *Flores* does not disclose, teach, or suggest limitations recited in these claims.

B. Standard

A prior art reference anticipates a claim "only if *each and every element* as set forth in the claim is found, either expressly or inherently described," in that reference. *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added); *see also* M.P.E.P. § 2131 (quoting *Verdegaal Bros.*, 814 F.2d at 631); *see also* M.P.E.P. § 706.02 ("[F]or anticipation under 35 U.S.C. § 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly."). In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); *see also* M.P.E.P. § 2131 (quoting *Richardson*, 868 F.2d at 1236).

C. Flores

Flores discloses a workflow analyst that is a component of a complete workflow system allowing a user to create workflow maps of business processes. (Column 3, Lines 18-21). A

business process consists of a sequence of basic transactions called workflows. (Column 1, Lines 19-21). In particular, *Flores* defines a business process as a network of workflows linked together that represent the recurrent process by which an organization performs and completes work, delivers products and services, and satisfies customers. (Column 5, Lines 55-59). Maps of these business processes highlight various features of business processes (Column 2, Lines 9-19) and enable analysts to identify opportunities for improvement. (Column 2, Lines 20-21).

Software used to implement the workflow analyst disclosed in *Flores* is based on a Model-View-Controller, object-oriented programming paradigm that includes a number of model classes. (Column 14, Lines 33-36; Column 16, Line 1 to Column 19, Line 47). One such model class, WfConditionalLink, includes description text and documents conditional links between workflows. (Column 18, Lines 30-32). Another, WfLink, models logical links between workflows and conditional links, including link types, triggers, and triggered actions in source and target workflows. (Column 18, Lines 46-51). The data stored in these and other model classes is used for drawing workflow maps of business processes and their components. (Column 14, Lines 52-54; Column 15, Lines 57-60).

According to *Flores*, every workflow has a customer role—the person for whom work is done—and a performer role—the person responsible for completing the work and declaring when the work is done. (Column 1, Lines 21-33). For example, in the sentence, "John asked Frank to prepare the report and deliver it by noon on Friday," John is the customer for the workflow and Frank is the performer. (Column 1, Lines 40-47). As another example, in the sentence, "John proposed to prepare the report and deliver it by noon on Friday for Frank," John is the performer for the workflow and Frank is the customer. (Column 1, Lines 48-55). A workflow can also have observers. (Column 1, Lines 24-25). An observer is defined as a person who cannot perform acts in a workflow, but is informed of acts in the workflow and has access to information associated with the workflow. (Column 1, Lines 56-57; Column 6, Lines 34-38; Column 8, Lines 1-5). Such persons typically observe for management or training purposes. (Column 1, Lines 56-57).

Within a business process map, workflows are displayed as loops. (Column 1, Line 63; Column 3, Lines 25-28; Figures 1a-1f; Figure 2). Such maps display relevant information regarding each workflow, including the customer, performer, and conditions of satisfaction, (Column 1, Lines 63-66; Figures 1a-1f; Figure 2) as well as relationships among the workflows called links. (Column 2, Lines 1-2; Figure 2). A link, according to *Flores*, is a defined dependency between two workflows and a mechanism by which dependencies between workflows are established (Column 6, Lines 22-25) and is graphically represented within a business process map as a line with an arrowhead connecting two workflows. (Column 8, Lines 57-58). A link specifies a relationship between two workflows in which an action in one workflow causes an action in another (Column 8, Lines 42-44) and contains definitions of trigger conditions and resulting actions. (Column 8, Lines 46-47). In a loan approval business process, as explained in *Flores*, the workflow in which the loan is approved is linked to the workflow in which the bank issues a check. (Column 2, Lines 2-5). If the loan is approved, a secondary, "write check" workflow is triggered, otherwise the "write check" workflow is not triggered. (Column 2, Lines 5-8).

According to *Flores*, a workflow server is the heart of a workflow system. (Column 4, Line 22). Workflow operations are concentrated in the workflow server, rather than in end-user applications. (Column 4, Lines 22-24). The workflow server includes a transaction manager, a workflow processor, a workflow updater, a workflow language interpreter, and an agent manager. (Column 4, Lines 30-32). The workflow server uses a transactions database, which contains a history of completed workflows and workflows in progress for use in determining new workflow states and available actions, (Column 4, Lines 33-34; Column 4, Lines 58-61) and a names/routing database. (Column 4, Lines 33-34). Workflow-enabled applications interface with the workflow server via the transactions database of the workflow server, APIs, or messaging, database, or inter-process communications. (Column 5, Lines 9-13). According to *Flores*, this client-server design allows workflow logic and overhead functionality to be handled at the workflow server, eliminating the need for applications to include intelligence about workflows as part of their design. (Column 4, Lines 25-30).

D. Claim 1

Independent Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claim 1 is allowable over *Flores*.

Claim 1 is separately patentable from every other claim subject to the same rejection. Claim 1 recites limitations that are substantially different from limitations recited in the other independent claims. In addition, the claims that depend on Claim 1 recite patentable distinctions over the prior art beyond those recited in Claim 1, and cannot be properly grouped with Claim 1 for purposes of this appeal.

Claim 1 recites:

> A computer-implemented process operable to manage a distributed workflow:
>
> the computer-implemented process operable to store a set of predefined functions for a workflow that are to be performed at a plurality of distributed nodes; and
>
> the computer-implemented process operable to automatically interact with the workflow at each of the distributed nodes to perform the predefined functions.

Flores provides no disclosure, teaching, or suggestion of a computer-implemented process that manages or interacts with a workflow. *Flores* instead discloses model classes that are part of an object-oriented programming paradigm on which workflow analyst software is based. (Column 14, Lines 33-36; Column 16, Line 1 to Column 19, Line 47). Some of these classes contain information regarding links between workflows, including triggering actions and triggered actions in source and target workflows, but *Flores* clearly states that the data stored in these classes is used simply for drawing workflow maps of business processes and their components. (Column 14, Lines 52-54; Column 15, Lines 57-60). *Flores* therefore fails to disclose, teach, or suggest a "computer-implemented process" that, "when executing on a computer system," "manage[s] a distributed workflow" and "interact[s] with the workflow at . . . distributed nodes to perform . . . predefined functions," as recited in independent Claim 1.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claim 1. Claim 1 is therefore allowable over *Flores*.

E. Claim 2

Dependent Claim 2 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claim 2 is allowable over *Flores*.

Claim 2 is separately patentable from every other claim subject to the same rejection. Claim 2 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 2, which depends on Claim 1, recites patentable distinctions over the prior art beyond those recited in Claim 1, and cannot be properly grouped with Claim 1 for purposes of this appeal.

Claim 2 recites, "The process of Claim 1, wherein the set of predefined functions are operable to generate a workflow between a plurality of enterprises." *Flores* provides no disclosure, teaching, or suggestion of a set of predefined functions generating a workflow. *Flores* instead discloses actions taken by one of two persons in a workflow initiating other workflows and this relationship among the workflows being displayed within a business process map. For example, as explained in *Flores*, it is the approval of a loan that initiates a "write check" workflow. (Column 2, Lines 2-8). Even assuming for the sake of argument that initiating a workflow could be properly viewed as "generating a workflow," *Flores* would still fail to disclose, teach, or suggest a "set of predefined functions" that generates a workflow, as recited in Claim 2.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of multiple enterprises. *Flores* discloses workflows having customer roles, performer roles, and observer roles, but provides no disclosure, teaching, or suggestion that these roles may be associated with different enterprises. In fact, *Flores* teaches away from this possibility, defining each of these roles as *a person* who either requests work, undertakes to do work, or observes a workflow, as well as defining a business process as a network of linked workflows that represent the recurrent process by which *an organization* performs and completes work, delivers products and services, and

satisfies customers. (Column 1, Lines 21-33; Column 8, Lines 1-5). Examples given in *Flores* to explain the concept of customer roles and performer roles also teach away from this possibility in that they involve persons designated by their first names and center around an activity—preparing a report—common within a single enterprise. (Column 1, Lines 40-55). An example given to explain the concept of linked workflows also teaches away from this possibility, in that it includes a business process—a loan approval process—that exists entirely within a single organization. (Column 2, Lines 2-8). Therefore, *Flores* does not disclose, teach, or suggest a set of predefined functions generating a "workflow between a plurality of enterprises," as recited in Claim 2.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claim 2. Claim 2 is therefore allowable over *Flores*.

F. Claim 3

Dependent Claim 3 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claim 3 is allowable over *Flores*.

Claim 3 is separately patentable from every other claim subject to the same rejection. Claim 3 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 3, which depends on Claim 1, recites patentable distinctions over the prior art beyond those recited in Claim 1, and cannot be properly grouped with Claim 1 for purposes of this appeal.

Claim 3 recites, "The process of Claim 1, wherein the set of predefined functions are operable to transmit data associated with operation of the workflow at each of the distributed nodes to a monitoring system." *Flores* provides no disclosure, teaching, or suggestion of operation of a workflow at a plurality of distributed nodes. *Flores* discloses a workflow-enabled application interfacing to a workflow server via a transactions database of a workflow server, APIs, or messaging, database, or inter-process communications, (Column 5, Lines 9-13) but nowhere does *Flores* disclose, teach, or suggest that these applications participate in the disclosed workflows. In fact, *Flores* teaches away from this possibility. First, *Flores* discloses that only

persons take action in workflows. (Column 1, Lines 19-33). Second, *Flores* discloses that workflow operations are concentrated in a workflow server and not in end-user applications. (Column 4, Lines 22-24). According to *Flores*, such a client-server design allows workflow logic and overhead functionality to be handled at the workflow server, eliminating the need for applications to include intelligence about workflows as part of their design. (Column 4, Lines 25-30). Even assuming for the sake of argument that the workflow-enabled applications disclosed in *Flores* could properly be viewed as "distributed nodes," *Flores* would still fail to disclose, teach, or suggest "operation of the workflow" at distributed nodes, as recited in Claim 3.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a set of predefined functions transmitting data associated with the operation of a workflow to a monitoring system. *Flores* discloses persons monitoring workflows. (Column 8, Lines 1-5). However, even assuming for the sake of argument that such a person could be properly viewed as a "monitoring system," *Flores* would still fail to disclose, teach, or suggest "data associated with operation of the workflow at each of [a plurality of] distributed nodes" being transmitted by "predefined functions" to a monitoring system, as recited in Claim 3.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claim 3. Claim 3 is therefore allowable over *Flores*.

G. Claim 4

Dependent Claim 4 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claim 4 is allowable over *Flores*.

Claim 4 is separately patentable from every other claim subject to the same rejection. Claim 4 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 4, which depends on Claim 1, recites patentable distinctions over the prior art beyond those recited in Claim 1, and cannot be properly grouped with Claim 1 for purposes of this appeal.

Claim 4 recites, "The process of Claim 1, wherein the set of predefined functions are operable to deploy the workflow to the distributed nodes." *Flores* provides no disclosure, teaching, or suggestion of a set of predefined functions deploying a workflow to a plurality of distributed nodes. As discussed above, *Flores* instead discloses actions taken by a person in one workflow initiating other workflows. (Column 1, Lines 26-33; Column 2, Lines 2-8; Column 8, Lines 42-45). *Flores* also discloses one person requesting another person to perform work and the other person undertaking to perform the work. (Column 1, Lines 26-33). However, even assuming for the sake of argument that initiating a workflow or one person requesting another person to perform work could be properly viewed as "deploy[ing a] workflow," *Flores* would still fail to disclose, teach, or suggest a "set of predefined functions" deploying a workflow, as recited in Claim 4.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claim 4. Claim 4 is therefore allowable over *Flores*.

H. Group 1 (Claims 5 and 48)

Independent Claims 5 and 48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claims 5 and 48 are allowable over *Flores*.

Claims 5 and 48 recite substantially similar limitations, with Claim 48 being written in "means plus function" form. Thus, Claims 5 and 48 may be grouped together for purposes of this appeal. Claims 5 and 48 are separately patentable from every other claim subject to the same rejection. Claims 5 and 48 recite limitations that are substantially different from limitations recited in the other independent claims. In addition, the claims that depend on Claim 5 recite patentable distinctions over the prior art beyond those recited in Claim 5, and cannot be properly grouped with Claim 5 for purposes of this appeal.

Claim 5 recites:

> A computer-implemented process for generating a collaboration between a plurality of enterprises, the computer-implemented process operating at least

in part external to the enterprises, the computer-implemented process operable to:

receive a preliminary collaboration from a first enterprise;

automatically transmit the preliminary collaboration from the computer-implemented process to a predefined second enterprise for review;

receive a response to the preliminary collaboration from the second enterprise;

automatically transmit the response of the second enterprise from the computer-implemented process to the first enterprise for review; and

receive a response to the response of the second enterprise from the first enterprise, the responses of the first and second enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first and second enterprises.

Flores provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to multiple enterprises in relation to a collaboration between the enterprises. As discussed above, *Flores* discloses different roles involved in a workflow, but provides no disclosure, teaching, or suggestion that these roles may be associated with different enterprises. (Column 1, Lines 19-33; Column 1, Lines 40-55; Column 8, Lines 1-5). *Flores* instead defines each of these roles as a person who performs distinct tasks; defines a business process as a network of linked workflows that represent the recurrent process by which an organization completes work, delivers products and services, and satisfies customers; and explains various concepts disclosed in *Flores* using examples that involve only a single organization.

Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process for generating a collaboration "between a plurality of enterprises," where the computer-implemented process "operat[es] at least in part external to the enterprises" and, when executed by a computer system, receives a preliminary collaboration "from a first enterprise," automatically transmits the preliminary collaboration "to a predefined second enterprise" for review, receives a response to the preliminary collaboration "from the second enterprise," automatically transmits the response "of the second enterprise . . . to the first enterprise" for review, and receives a response to the response "of the second enterprise from the first enterprise," and where the responses "of the first and second enterprises" ultimately result in a

final collaboration that is based on the preliminary collaboration and is optimized "for the first and second enterprises," as recited in Claim 5.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or other means for receiving and transmitting a preliminary collaboration, receiving and transmitting a response to the preliminary collaboration, or receiving a response to the response. *Flores* discloses two scenarios. In the first, one person requests another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person agrees to the request. (Column 1, Lines 40-47). In the second, one person offers to another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person accepts the offer. (Column 1, Lines 48-55). But nowhere does *Flores* disclose, teach, or suggest a "computer-implemented process," when executing on a computer system, receiving and transmitting a preliminary collaboration, receiving and transmitting a response to the preliminary collaboration, or receiving a response to the response, as recited in Claim 5. In fact, *Flores* teaches away from this, disclosing in both of the above scenarios two persons interacting directly with each other to determine work to be performed by one of them. (Column 1, Lines 40-55).

Furthermore, *Flores* provides no disclosure, teaching, or suggestion of a final collaboration optimized for multiple enterprises. *Flores* discloses two persons negotiating conditions of satisfaction (meaning conditions that a customer has declared or agreed to, the fulfillment of which is the purpose of a workflow) for work to be performed by one of them and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. (Column 1, Lines 34-39). However, *Flores* nowhere discloses, teaches, or suggests that such negotiation results in "a final collaboration . . . optimized" for either of the two persons, much less two or more enterprises. Therefore, *Flores* does not disclose, teach, or suggest responses of first and second enterprises ultimately resulting in a final collaboration based on a preliminary collaboration and "optimized for the first and second enterprises," as recited in Claims 5.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claims 5 and 48. Claims 5 and 48 are therefore allowable over *Flores*.

I. Group 2 (Claims 6 and 7)

Dependent Claims 6 and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claims 6 and 7 are allowable over *Flores*.

Claims 6 and 7 recite similar, although somewhat different, limitations. Thus, Claims 6 and 7 may be grouped together for purposes of this appeal. Claims 6 and 7 are separately patentable from every other claim subject to the same rejection. Claims 6 and 7 recite limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claims 6 and 7, each of which depends on Claim 5, recite patentable distinctions over the prior art beyond those recited in Claim 5 and cannot be properly grouped with Claim 5 for purposes of this appeal.

Claim 6 recites, "The process of Claim 5, wherein the response of the first enterprise comprises a comment on the preliminary collaboration." Claim 7 recites, "The process of Claim 5, wherein the response of the first enterprise comprises a modification of the preliminary collaboration." As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or system that operates, at least in part, external to multiple enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not disclose, teach, or suggest a response "from the first enterprise" including a comment on a preliminary collaboration, as recited in Claim 6, or a response "from the first enterprise" including a modification of a preliminary collaboration, as recited in Claim 7.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a response including a comment on a preliminary collaboration or a modification of a preliminary collaboration. *Flores* discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached, (Column 1, Lines 34-39) but nowhere does *Flores* disclose, teach, or suggest the nature of the communication between the two persons, much less

that such communication involves a comment on a preliminary collaboration or a modification of a preliminary collaboration. *Flores* also discloses various labels for actions in one workflow that cause actions in another workflow (such as request, agree, offer, accept offer, counter-offer, accept counter-offer, decline counter-offer, etc.), (Column 10, Lines 16-19) but nowhere does *Flores* disclose, teach, or suggest what these actions involve, much less that they involve a comment on a preliminary collaboration or a modification of a preliminary collaboration. Therefore, *Flores* does not disclose, teach, or suggest a response of a first enterprise including a "comment on the preliminary collaboration," as recited in Claim 6, or a response of a first enterprise including a "modification of the preliminary collaboration," as recited in dependent Claim 7.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claims 6 and 7. Claims 6 and 7 are therefore allowable over *Flores*.

J. Claim 20

Independent Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Flores*. Appellants respectfully submit that Claim 20 is allowable over *Flores*.

Claim 20 is separately patentable from every other claim subject to the same rejection. Claim 20 recites limitations that are substantially different from limitations recited in the other independent claims and cannot be grouped with any other claim for purposes of this appeal.

Claim 20 recites:

> A computer-implemented process for monitoring a collaboration across a plurality of enterprises, the computer-implemented process operating at least in part external to the enterprises, the computer-implemented process operable to:
>
> receive a first predefined set of data associated with operation of a first portion of the collaboration at a first node of a first enterprise, the first set of data having been collected in response to an automatic query of the first node for the first set of data;
>
> automatically transmit the first set of data from the computer-implemented process to a monitoring system in response to the querying of the first node;

receive a second predefined set of data associated with operation of a second portion of the collaboration at a second node of a second enterprise, the second set of data having been collected in response to an automatic query of the second node for the second set of data; and

automatically transmit the second set of data from the computer-implemented process to the monitoring system in response to the querying of the second node.

As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process that operates, at least in part, external to multiple enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process for monitoring a collaboration "across a plurality of enterprises," where the computer-implemented process "operates at least in part external to the enterprises" and, when executing on a computer system, (1) receives a first predefined set of data associated with operation of a first portion of the collaboration "at a first node of a first enterprise," where the first set of data has been collected in response to an automatic query of the first node for the first set of data, and (2) receives a second predefined set of data associated with operation of a second portion of the collaboration "at a second node of a second enterprise," where the second set of data has been collected in response to an automatic query of the second node for the second set of data, as recited in Claim 20.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of data collected in response to an automatic query of a node being received by a computer-implemented process and automatically transmitted to a monitoring system in response to the querying of the node. *Flores* merely discloses a workflow server that uses a transactions database containing a history of completed workflows and workflows in progress to determine new workflow states and available actions. (Column 4, Lines 58-61). Nowhere does *Flores* disclose, teach, or suggest how data makes its way into the transactions database, much less that data collected in response to an automatic query of a node is received by a computer-implemented process and automatically transmitted to a monitoring system in response to the querying of the node. This is true even assuming for the sake of argument that one of *Flores*' workflows could properly be viewed as a collaboration.

Therefore, *Flores* fails to disclose, teach, or suggest a "computer-implemented process" when executing on a computer system, (1) "receive[s]" a first predefined set of data associated with operation of a first portion of the collaboration at a first node of a first enterprise, where the first set of data "ha[s] been collected in response to an automatic query of the first node for the first set of data," (2) "automatically transmit[s]" the first set of data "to a monitoring system in response to the querying of the first node," (3) "receive[s]" a second predefined set of data associated with operation of a second portion of the collaboration at a second node of a second enterprise, where the second set of data "ha[s] been collected in response to an automatic query of the second node for the second set of data," and (4) "automatically transmit[s]" the second set of data "to the monitoring system in response to the querying of the second node," as recited in Claim 20.

For at least these reasons, *Flores* fails to disclose, teach, or suggest all elements of Claim 20. Claim 20 is therefore allowable over *Flores*.

II. Claims 10-12 and 15-17 are Allowable Over the Proposed *Flores-Fox* Combination

A. Overview

Claims 10-12 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. A copy of *Fox* is provided in Appendix C. Appellants respectfully submit that, even assuming for the sake of argument that *Fox* could be properly combined with *Flores*, the proposed *Flores-Fox* combination does not disclose, teach, or suggest limitations recited in these claims.

B. Standard

A rejection under 35 U.S.C. § 103(a) is proper only if "the differences between the subject matter sought to be patented and the prior art are such that the subject matter *as a whole* would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. § 103(a) (emphasis added). As this Board has noted, "to support the conclusion that the claimed combination is directed to obvious subject matter, either the

references must expressly or impliedly suggest the claimed combination or the examiner must present a convincing line of reasoning . . . why the . . . claimed [combination would] have been obvious in light of the teachings of the references." *Ex Parte Clapp*, 227 U.S.P.Q 972, 973 (B.P.A.I. 1985).

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. § 2143.01; *see also In Re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992) ("The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification."); *In re Jones*, 958 F.2d 347, 351 (Fed. Cir. 1992) ("Conspicuously missing from this record is any *evidence,* other than the PTO's speculation (if it be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modifications of the prior art salts necessary to arrive at the claimed 2-(2'-aminoethoxy) ethanol salt.").

Convincing evidence of the required suggestion, teaching, or motivation is essential to avoid impermissible hindsight reconstruction of Appellants' invention. *See In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999).

C. Flores

Please refer to subsection *C* of section I, above, for a discussion of *Flores*.

D. Fox

Fox discloses a supply chain agent called a planning/scheduling function that "orchestrates" the behavior of other supply chain agents to improve the overall quality of supply chain management. (Page 3, Lines 3-7). Such agents, according to *Fox*, manage a supply chain, each being responsible for one or more activities within the supply chain and interacting with other agents in the planning and execution of the activities for which it is responsible. (Page 2, Lines 40-42). *Fox* defines a supply chain as a set of activities that span enterprise functions from the ordering and receipt of raw materials through the manufacturing of products and their distribution and delivery to customers. (Page 1, Lines 33-35). According to *Fox*, the coordination

of such functions across the enterprise is required to provide rapid and quality responses to supply chain events. (Page 1, Lines 36-37).

E. Claim 10

Dependent Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. Appellants respectfully submit that Claim 10 is allowable over the proposed *Flores-Fox* combination.

Claim 10 is separately patentable from every other claim subject to the same rejection. Claim 10 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 10, which depends on Claim 5, recites patentable distinctions over the prior art beyond those recited in Claim 5, and cannot be properly grouped with Claim 5 for purposes of this appeal.

Claim 10 recites:

> The process of Claim 5, further operable to;
> receive an approval from each of the first and second enterprises for a collaboration based on the preliminary collaboration and reflecting the responses of the first and second enterprises;
> subsequent to receiving the approvals from the first and second enterprises, automatically transmit the collaboration from the computer-implemented process to a predefined third enterprise for review;
> receive a response to the collaboration from the third enterprise;
> automatically transmit the response of the third enterprise from the computer-implemented process to the first and second enterprises for review; and
> receive responses to the response of the third enterprise from the first and second enterprises, the responses of the first, second, and third enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and optimized for the first, second, and third enterprises.

As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to multiple enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process for generating a collaboration "between a plurality of enterprises," that "operat[es] at least in part external to the

enterprises" and, when executing on a computer system, (1) receives an approval "from each of the first and second enterprises" for a collaboration based on the preliminary collaboration and reflecting responses "of the first and second enterprises," (2) automatically transmits the collaboration "to a predefined third enterprise" for review, (3) receives a response to the collaboration "from the third enterprise," (4) automatically transmits the response "of the third enterprise . . . to the first and second enterprises" for review, and (5) receives responses to the responses "of the third enterprise from the first and second enterprises," where the responses "of the first, second, and third enterprises" ultimately result in a final collaboration based on the preliminary collaboration and optimized "for the first, second, and third enterprises," as recited in Claim 10.

Second, as discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a final collaboration optimized for multiple enterprises. Therefore, *Flores* does not disclose, teach, or suggest responses of first, second, and third enterprises ultimately resulting in a final collaboration based on the preliminary collaboration and "optimized for the first, second, and third enterprises," as recited in Claim 10.

Third, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process receiving an approval from each of first and second enterprises for a collaboration based on a preliminary collaboration and reflecting responses of the first and second enterprises. *Flores*, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. (Column 1, Lines 34-39). But nowhere does *Flores* disclose, teach, or suggest receiving approval from two enterprises for a collaboration that is based on a preliminary collaboration and reflecting responses of the two enterprises. Even assuming for the sake of argument that *Flores* does disclose these limitations, *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process" that, when executing on a computer system, receives such an approval for such a collaboration, as recited in Claim 10.

Fourth, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process automatically transmitting a collaboration to a predefined third enterprise for review. *Flores* merely discloses a person observing a workflow, typically for management or training purposes. (Column 1, Lines 56-57; Column 8, Lines 1-5). Even assuming for the sake of argument that an observer could be properly viewed as a "predefined third enterprise," which it cannot, *Flores* would still fail to disclose, teach, or suggest automatically transmitting to a predefined third enterprise for review a collaboration based on a preliminary collaboration for which approval has been received from two other enterprises. And, even assuming for the sake of argument that *Flores* does disclose these limitations, *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process" that, when executing on a computer system, automatically transmits such a collaboration to a predefined third enterprise for review, as recited in Claim 10.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a predefined third enterprise that takes any direct action within a workflow. *Flores* discloses a person observing a workflow, but clearly states that such a person takes no direct action in the workflow. (Column 1, Line 56). Thus, *Flores* fails to disclose, teach, or suggest a predefined third enterprise responding to a collaboration, approving a final collaboration, operating part of a collaboration, or taking any other action. The Examiner acknowledges this deficiency of *Flores* on Page 6 of the final Office Action mailed April 17, 2002. Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process, when executing on a computer system, receiving a "response to the collaboration from the third enterprise" and automatically transmitting a "response of the third enterprise" to first and second enterprises for review as recited in Claim 10. Neither does *Flores* disclose, teach, or suggest "responses of the first, second, and third enterprises" ultimately resulting in a final collaboration based on a preliminary collaboration and optimized for the first, second, and third enterprises, as further recited in Claim 10.

Fox does not account for these deficiencies of *Flores*, even if the references could be properly combined. In particular, *Fox* provides no disclosure, teaching, or suggestion of a predefined third enterprise. *Fox* merely discloses a supply chain agent that orchestrates the behavior of other supply chain agents. (Page 3, Lines 3-7). Nowhere does *Fox* disclose, teach,

or suggest that such a supply chain agent itself constitutes a "predefined third enterprise." *Fox* in fact teaches away from this possibility, disclosing that such a supply chain agent is but one of many involved in a supply chain and that a supply chain spans but one enterprise. (Page 1, Lines 33-35; Page 2, Lines 40-43; Page 3, Lines 12-14). Thus, *Fox* does not account for the failure of *Flores* to disclose, teach, or suggest a "predefined third enterprise" that takes direct action in a workflow.

For at least these reasons, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest all elements of Claim 10. Claim 10 is therefore allowable over the proposed *Flores-Fox* combination.

F. Group 3 (Claims 11 and 12)

Dependent Claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. Appellants respectfully submit that Claims 11 and 12 are allowable over the proposed *Flores-Fox* combination.

Claims 11 and 12 recite similar, although somewhat different, limitations. Thus, Claims 11 and 12 may be grouped together for purposes of this appeal. Claims 11 and 12 are separately patentable from every other claim subject to the same rejection. Claims 11 and 12 recite limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claims 11 and 12, which depend on Claim 5, recite patentable distinctions over the prior art beyond those recited in Claim 5, and cannot be properly grouped with Claim 5 for purposes of this appeal.

Claim 11 recites, "The process of Claim 10, wherein the response of the third enterprise comprises a comment on the collaboration." Claim 12 recites, "The process of Claim 10, wherein the response of the third enterprise comprises a modification to the collaboration." As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to multiple enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not

disclose, teach, or suggest a response "of the third enterprise" including a comment on a collaboration or a modification to a collaboration, as recited in Claims 11 and 12, respectively.

Moreover, as discussed above with reference to Group 1 (Claims 6 and 7), *Flores* provides no disclosure, teaching, or suggestion of a response including a comment on a preliminary collaboration or a modification of a preliminary collaboration. Therefore, *Flores* does not disclose, teach, or suggest a response of a third enterprise including a "comment on the collaboration" or a "modification to the collaboration," as recited in Claims 11 and 12, respectively.

Furthermore, as discussed above with reference to Claim 10, *Flores* provides no disclosure, teaching, or suggestion of a predefined third enterprise that takes any direct action within a workflow. Therefore, *Flores* does not disclose, teach, or suggest a "response of the third enterprise" including a comment on a collaboration or a modification to the collaboration, as recited in Claims 11 and 12, respectively.

Fox does not account for these deficiencies of *Flores*, even if the references could be properly combined. In particular, as discussed above with reference to Claim 10, *Fox* provides no disclosure, teaching, or suggestion of a predefined third enterprise. Therefore, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest a response of a "third enterprise" including a comment on a collaboration or a modification to the collaboration, as recited in Claims 11 and 12, respectively.

For at least these reasons, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest all elements of Claims 11 and 12. Claims 11 and 12 are therefore allowable over the proposed *Flores-Fox* combination.

G. Claim 15

Independent Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. Appellants respectfully submit that Claim 15 is allowable over the proposed *Flores-Fox* combination.

Claim 15 is separately patentable from every other claim subject to the same rejection. Claim 15 recites limitations that are substantially different from limitations recited in the other independent claims. In addition, the claims that depend on Claim 15 recite patentable distinctions over the prior art beyond those recited in Claim 15, and cannot be properly grouped with Claim 15 for purposes of this appeal.

Claim 15 recites:

> A computer-implemented process for deploying a collaboration generated by a first enterprise to a plurality of other enterprises, the computer-implemented process operating at least in part external to the enterprises, the computer-implemented process operable to:
>
> receive a final collaboration approved by first, second, and third enterprises;
>
> automatically transmit a predefined first part of the collaboration from the computer-implemented process to a predefined second enterprise for operation at the second enterprise; and
>
> automatically transmit a predefined second part of the collaboration from the computer-implemented process to a predefined third enterprise for operation at the third enterprise.

As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to a plurality of enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process for deploying a collaboration generated "by a first enterprise to a plurality of other enterprises," where the computer-implemented process "operat[es] at least in part external to the enterprises" and, when executing on a computer system, (1) receives a final collaboration approved "by first, second, and third enterprises," (2) automatically transmits a predefined first part of the collaboration "to a predefined second enterprise" for operation "at the second enterprise," and (3) automatically transmits a predefined second part of the collaboration "to a predefined third enterprise" for operation "at the third enterprise," as recited in Claim 15.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process receiving a final collaboration and automatically transmitting part of the

final collaboration to one entity and another part of the final collaboration to another entity for operation at the respective entities. *Flores*, as discussed above, discloses two scenarios. In the first, one person requests another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person agrees to the request. (Column 1, Lines 40-47). In the second, one person offers to another person to perform work, both persons negotiate the work that is ultimately to be performed, and the other person accepts the offer. (Column 1, Lines 48-55). *Flores* also discloses linked workflows and workflows that include multiple workflows. (Column 3, Lines 56-57). However, even assuming for the sake of argument that the work performed by one of the persons in a workflow could be viewed as a "final collaboration" or a "predefined . . . part of the collaboration," *Flores* would still fail to disclose, teach, or suggest a "computer-implemented process," when executing on a computer system, receiving a final collaboration and transmitting different parts of the final collaboration to different entities, as recited in Claim 15.

Fox does not account for these deficiencies of *Flores*, even if the references could be properly combined. In particular, as discussed above with reference to Claim 10, *Fox* provides no disclosure, teaching, or suggestion of a predefined third enterprise. Therefore, *Fox* does not disclose, teach, or suggest a computer-implemented process, when executing on a computer system, receiving a final collaboration "approved" by "first, second, and third enterprises" and automatically transmitting a predefined second part of the collaboration to a predefined third enterprise "for operation at the third enterprise," as recited in Claim 15.

For at least these reasons, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest all elements of Claim 15. Claim 15 is therefore allowable over the proposed *Flores-Fox* combination.

H. Claim 16

Dependent Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. Appellants respectfully submit that Claim 16 is allowable over the proposed *Flores-Fox* combination.

Claim 16 is separately patentable from every other claim subject to the same rejection. Claim 16 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 16, which depends on Claim 15, recites patentable distinctions over the prior art beyond those recited in Claim 15, and cannot be properly grouped with Claim 15 for purposes of this appeal.

Claim 16 recites,

> The process of Claim 15, further operable to:
> request an approval from the second enterprise for operation of the first part of the collaboration at a node of the second enterprise; and
> request an approval from the third enterprise for operation of the second part of the collaboration at a node of the third enterprise.

As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to a plurality of enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* fails to disclose, teach, or suggest a computer-implemented process, when executing on a computer system, requesting an approval "from the second enterprise" for operation of a first part of a collaboration "at a node of the second enterprise," and requesting an approval "from the third enterprise" for operation of a second part of the collaboration "at a node of the third enterprise," as recited in Claim 16.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of approvals being requested from different entities for operation of different parts of a final collaboration at nodes of the different entities. *Flores*, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. (Column 1, Lines 34-39). This negotiation and agreement or acceptance involves but two persons, and only one of these persons performs any work after this negotiation and acceptance or agreement. Thus, *Flores* fails to disclose, teach, or suggest "an approval from the second enterprise for operation of the first part of the collaboration at a node of the second enterprise" *and* "an approval from the third enterprise for operation of the second part of the collaboration

at a node of the third enterprise," as recited in Claim 16. *Flores* also discloses various labels for actions in one workflow that cause actions in another workflow (such as request, agree, offer, accept offer, counter-offer, accept counter-offer, decline counter-offer, etc.), (Column 10, Lines 16-19) but these portions of *Flores* fail to account for the deficiencies of the portions of *Flores* discussed above.

Furthermore, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process requesting approval from an entity for operation of part of a final collaboration at a node of the entity. *Flores*, as discussed above, discloses two persons negotiating conditions of satisfaction for work to be performed by one of them until an agreement is reached and one of the persons subsequently accepting or agreeing to an offer or request made by the other person. (Column 1, Lines 34-39). This negotiation and agreement or acceptance involves but two persons interacting directly with each other. Thus *Flores* fails to disclose, teach, or suggest a "computer-implemented process," when executing on a computer system, requesting approval from an enterprise for operation of part of a final collaboration at a node of the enterprise, as recited in Claim 16.

Fox does not account for these deficiencies of *Flores*, even if the references could be properly combined. In particular, as discussed above with reference to Claim 10, *Fox* provides no disclosure, teaching, or suggestion of a predefined third enterprise. Therefore, *Fox* does not disclose, teach, or suggest a computer-implemented process, when executing on a computer system, requesting an approval from a third enterprise "for operation of the second part of the collaboration at a node of the third enterprise," as recited in Claim 16.

For at least these reasons, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest all elements of Claim 16. Claim 16 is therefore allowable over the proposed *Flores-Fox* combination.

I. Claim 17

Dependent Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flores* in view of *Fox*. Appellants respectfully submit that Claim 17 is allowable over the proposed *Flores-Fox* combination.

Claim 17 is separately patentable from every other claim subject to the same rejection. Claim 17 recites limitations that are substantially different from limitations recited in the other dependent claims. In addition, Claim 17, which depends on Claim 15, recites patentable distinctions over the prior art beyond those recited in Claim 15, and cannot be properly grouped with Claim 15 for purposes of this appeal.

Claim 17 recites, "The process of Claim 16, further operable to, in response to receiving the approval from the second enterprise, notify the third enterprise of the approval." As discussed above with reference to Claim 5, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process or a system that operates, at least in part, external to a plurality of enterprises in relation to a collaboration between the enterprises. Therefore, *Flores* does not disclose, teach, or suggest a computer-implemented process, when executing on a computer system and in response to receiving an approval "from the second enterprise," notifying a "third enterprise" of the approval, as recited in Claim 17.

Moreover, *Flores* provides no disclosure, teaching, or suggestion of a computer-implemented process notifying an entity, from which approval has been or will be requested for operation of part of a final collaboration at a node of the entity, of approval being received from another entity for operation of another part of the final collaboration at a node of the other entity. In contrast, *Flores* discloses a person observing a workflow, typically for management or training purposes. (Column 1, Lines 56-57; Column 8, Lines 1-5). *Flores* clearly states that such a person takes no direct action in a workflow. (Column 1, Line 56). Thus *Flores* fails to disclose, teach, or suggest a "predefined third enterprise," from which an approval has been or will be requested for operation of a second part of a final collaboration at a node of the predefined third enterprise, being notified of a similar approval being given by a "second predefined enterprise" as recited in dependent Claim 17. This is true even assuming for the sake of argument that a person

observing a workflow could be properly viewed as notifying an entity of approval being given by another entity for operation of part of a final collaboration at a node of the other entity.

Fox does not account for these deficiencies of *Flores*, even if they could be properly combined. In particular, as discussed above with reference to Claim 10, *Fox* provides no disclosure, teaching, or suggestion of a predefined third enterprise. Therefore, *Fox* does not disclose, teach, or suggest a computer-implemented process, when executing on a computer system, in response to receiving the approval from the second enterprise, notifying a "third enterprise" of the approval.

For at least these reasons, the proposed *Flores-Fox* combination fails to disclose, teach, or suggest all elements of Claim 17. Claim 17 is therefore allowable over the proposed *Flores-Fox* combination.

Conclusion

Appellants have demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

Appellants have enclosed a check in the amount of $320.00 for this Appeal Brief. Appellants believe no additional fees are due. However, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Date: August 12, 2002

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